

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TODD J. HANDY,

Defendant.

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Case No. 8:05CR333

**ORDER**

This case is before the Court on Todd Handy's Amended Motion for Pretrial Release and Inpatient Treatment (#40). The defendant requests the court to re-open the issue of detention and allow the defendant to participate in inpatient drug treatment.

After reviewing the September 7, 2005 Detention Order (#17), the September 2, 2005 Pretrial Services memorandum, and the Court's October 24, 2005 Order (#26) denying release for outpatient treatment, I find the motion should be denied without hearing.

The defendant's proposed release to obtain inpatient drug treatment fails to adequately address the court's concerns, which include the defendant's significant prior criminal record and noncompliance with previous court orders. The proposed treatment program also fails to rebut the presumption of detention under 18 U.S.C. § 3142(e).

**IT IS ORDERED:**

1. The defendant's Amended Motion for Pretrial Release and Inpatient Drug Treatment (#40) is denied without hearing.

Dated this 22<sup>nd</sup> day of November 2005.

BY THE COURT:

S/ F.A. Gossett  
United States Magistrate Judge